

**From:** ANTHONYNAT@aol.com@inetgw  
**To:** Microsoft ATR  
**Date:** 12/14/01 8:50pm  
**Subject:** Microsoft Settlement

Name: Anthony J. Natoli  
Organization: CEREBRAL PROPERTY LAW OFFICE

DISCLAIMER: I am not and have not been an employee, shareholder, or business partner of Microsoft, and I, as an attorney, do not and have not had Microsoft or any of its business partners as a client.

Statement: I strongly support the proposed settlement in U.S. v. Microsoft

I find the proposed settlement of the antitrust case of U.S. vs. Microsoft to be a fair and balanced resolution of the issues, protecting and helping consumers while also acknowledging the legitimate rights of Microsoft to practice its business.

I submit the following comments on the proposed settlement as a concerned consumer, a technophile, an intellectual property attorney, and a U.S. citizen:

1. As a consumer:

- a. I have determined, from over two decades of using technology, that there has been significant price stability and/or reduction in prices of software and other components used in consumer devices and applications, generally referred to as "computers" and "the Internet", based on the business activities and products of Microsoft;
- b. I have determined that there is and has been significant and valuable competition and choices available to me, as a consumer, to obtain more and better computers and uses of the Internet based on the business activities and products of Microsoft; and
- c. I have determined that the proposed settlement is far more beneficial to consumers such as myself instead of the more harsh or draconian remedies proposed by other parties, with such suggested remedies including divestiture and/or breaking up of Microsoft, or stripping Microsoft of its intellectual property and/or its ability to innovate in consumer-related computing, including the Internet and browsers for use with the Internet.

2. As a technophile:

- a. I have seen and benefited greatly from the advances in computing brought on by the business activities and products of Microsoft, especially market-driven standardization over two decades, of systems and components for

use on or with Microsoft products and related products, including operating systems, graphic user interfaces, productivity suites, and Internet browsers;

b. I have seen and benefited greatly from the advances in computing brought on by the entry by Microsoft into different and diverse markets involving many areas of computing, including personal computers, wordprocessing and other productivity applications, and the Internet; and

c. I am wary of any government action which may decrease interoperability and standardization of computing technologies, such as the situation presented twenty years ago with far too many competitors pushing and selling disparate and incompatible computing platforms and software, with such chaotic conditions being potentially revisited and brought on by any government's imposing and implementing the more harsh or draconian remedies proposed by other parties, with such suggested remedies including divestiture and/or breaking up of Microsoft, or stripping Microsoft of its intellectual property and/or its ability to innovate in consumer-related computing, including the Internet and browsers for use with the Internet.

3. As an intellectual property attorney, experienced in patents, copyrights, software, and licensing and business agreements:

a. I favor the ownership and enforcement of intellectual property rights as an incentive for Microsoft, as with all other entitled entities, to innovate with the promise of reward via legitimate and enforceable government granted or recognized limited monopolies, for a limited time, as per Article I, Section 8 of the U.S. Constitution;

b. I believe that the compulsory licensing of intellectual property rights by Microsoft to other parties including competitors, as found in the proposed settlement, is an appropriate remedy and balancing of interests for permitting the government to apply and enforce antitrust laws under the Commerce Clause of the U.S. Constitution in view of the intellectual property rights granted by law under the U.S. Constitution, with such compulsory licensing of intellectual property being well known and applied in other countries but generally unheard of in the U.S. and so being extraordinary but reasonable for enforcing the U.S. antitrust laws; and

c. I deplore the statements and attitudes of certain critics who blithely pooh-pooh, dismiss, or otherwise put no value in the intellectual property rights entitled to Microsoft, in its software and/or business licensing practices, so that such critics may pirate or otherwise obtain the intellectual property of companies for little or no payment of justifiable royalties and/or recoupment of research and development costs (and allegedly justified by such critics pompously in crying "information wants to be free!"), with such royalties and recoupments owed to Microsoft or other software creators.

4. As a U.S. citizen:

- a. I favor the present market system in the U.S. to permit Microsoft to utilize any and all business practices which are well-established and commonly used throughout multiple industries, including the computing industry, such as the free distribution of software such as Internet browsers to increase market share, a practice conducted extensively by Netscape (but unfortunately only in the past in order for Netscape to establish over 90 % market share in the browser market) with its freely downloadable browser available years before Microsoft even had an Internet browser to itself freely distribute;
- b. I deplore the unequal application of the antitrust laws by the U.S. government in pursuing Microsoft, which has clearly benefited consumers, when there are many other businesses, including competitors of Microsoft, with more egregious practices and/or more monopolistic market power of certain other companies, such as the over 90 % market share of the Netscape browser at one time, via the aforementioned free distribution of software, as well as Cisco Systems which, for a number of years in nationally broadcast advertisements in television and other media, touted that over 90 % of the Internet systems used Cisco servers, without any investigation of Netscape or Cisco by the Federal Trade Commission and/or the Department of Justice of such pervasive and (according to some of Microsoft's critics) presumptively monopolistic market power; and
- c. I seek a final resolution of this antitrust case against Microsoft in order to permit Microsoft to continue to further advance computing and Internet applications, for example, via WINDOWS XP and OFFICE XP, and to spur the recovery of the U.S. economy from the current recession for the betterment of all citizens of the United States.

CC: natoli@cerebralproperty.com@inetgw